

**MINUTES OF THE TOWN COUNCIL/PARKING  
AUTHORITY/REDEVELOPMENT AGENCY**

**AUGUST 21, 2006**

The City Council of the Town of Los Gatos conducted a Regular Meeting on  
Monday, August 21, 2006 at 7:00 PM

**MEETING CALLED TO ORDER**

**ROLL CALL**

**Present:** Council Member Steve Glickman, Vice Mayor Joe Pirzynski, Council  
Member Barbara Spector, Council Member Mike Wasserman, and Mayor Diane  
McNutt.

**Absent:** None.

**PLEDGE OF ALLEGIANCE**

**Kelsey Krandle**, Blossom Hill Elementary School led the Pledge of allegiance.  
The audience was invited to participate.

**CLOSED SESSION REPORT**

**CONFERENCE WITH LABOR NEGOTIATOR**

(Government Code Section 54957.6)

Town Negotiator (Lead): Rumi Portillo, Human Resources Director  
Employee Organization: Town Employees Association (TEA)

**Orry Korb**, Town Attorney, stated that direction was given and no action was  
taken.

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

(Government Code Section 54956.9[b])

Threat of Closure of Olde Drive

**Orry Korb**, Town Attorney, stated that direction was given and no action was  
taken.

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taken.

## **MAIN STREET PRESENTATION**

### **Mayor Diane McNutt**

- Thanked Joseph J. Albanese Construction, Los Gatos-Monte Sereno VIP ambassadors, and staff for the great job during the Main Street Resurfacing project.

## **PRESENTATIONS**

### **Mayor Diane McNutt**

- Presented a commendation to **Marc Jensen, Transportation & Parking Commissioner** for his outstanding volunteer service to the Town of Los Gatos.

### **Council Member Mike Wasserman**

- Presented **Mike Loya and The Venue**, with the **Community/Business Recognition** for all the wonderful contributions he has made to the community and to youth through the Venue (A Place for Teens).
- **Mr. Loya** thanked the Council and community for all their support.
- **Council Member Steve Glickman** thanked **Mr. Loya** for all the time services he has dedicated to The Venue.

## **Status Report on Town-to-Town Katrina Consortium Proclamation**

### **Mayor Diane McNutt**

- Presented a proclamation regarding the City of Pascagoula, the Town's adopted city, and proclaimed August 27, 2006 as The "Pascagoula Day."
- **Mr. Henderson**, Los Gatos-Katrina Consortium gave an update on the Consortium, Town and Community support and volunteer work relating to helping Pascagoula. He commented on Pascagoula's progress since Hurricane Katrina.

## **TOWN COUNCIL**

### **CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)**

1. Ratify payroll for the months of June and July 2006
2. Ratify accounts payable for the months of:
  - a. June, 2006
  - b. July, 2006
3. Approve upgrades to Community Development Department Permit Tracking System
  - a. Authorize the Town Manager to enter into agreements with Accela, Inc. and Attevo, Inc. to upgrade the Community Development Departments Permit Tracking System
  - b. Authorize current year budget adjustment for the Accela automation upgrade of \$294, 297.00, including a 10% contingency
4. Appoint Diane McNutt, Mayor, as the primary voting delegate and Debra Figone, Town Manager and Jenny Haruyama, Administrative Programs manager as alternate voting delegates for the League of California Cities Annual Conference scheduled for September 6-9, 2006 in San Diego, California (continued from 8/7/06)
5. Adopt resolution establishing the Fiscal year 2006/07 Gann Appropriation limit for the Town of Los Gatos.  
RESOLUTION 2006-091
6. Adopt resolution upholding Planning Commission decision denying a formula retail store (American Apparel) on property zoned C-2. Conditional Use Permit U-06-006. APN 510-44-034. Property Location: 25 N. Santa Cruz Avenue. Property Owner: Santa Cruz Real, LLC. Applicant/Appellant: Tacee Webb (continued from 2/6, 2/21, and 3/6/06)
7. Adopt resolution granting in part and denying in part a request to modify a conditional use permit to increase the seating, allow special events, and wine bar with retail wine sale on property zoned C-2. Conditional Use Permit U-06-20 APN 529-03-035. Property location: 42 Elm Street. Property owner: Michael Cobler. Applicant: Belghis and Farhad Proushani  
RESOLUTION 2006-092

Consent Items (Continued)

8. **PPW Job No. 03-40 Various Trails, Pathways, and Parks? Asphalt Surface Improvements**  
Adopt resolution to reject bids for the various trails, pathways, and parks asphalt surfaces improvements.  
**RESOLUTION 2006-093**
9. **Project 04-64 Installation of Equipment for the Civic Center Chiller/Cooling Tower Replacement** Adopt resolution accepting work of Therma Corporation and authorizing the Town Manager to execute a Certificate of Acceptance and Notice of Completion for recording by the Clerk Administrator.  
**RESOLUTION 2006-094**
10. **Knowles Drive Railroad Crossing Improvement**
  - a. Amend Capital Improvement Program Budget to advance PPW Job No. 06-15, Knowles Drive Railroad Crossing Improvement Project from the Planned project timeline of Fiscal Year 2009/10 to the current Fiscal Year 2006/07
  - b. Authorize budget revenue adjustment of \$22,700 received from community donations to the Knowles Drive Railroad Crossing Improvement Project
  - c. Authorize budget expenditure adjustment of \$22,700 for the Knowles Drive Railroad Crossing Improvement Project

**REDEVELOPMENT AGENCY**

11. **Ratify accounts payable for the months of:**
  - a. June, 2006
  - b. July, 2006

**Item #6 and Item #12 were pulled and will be heard after Other Business.**

**Orry Korb**, Town Attorney, stated **Item # 6** has no action tonight. This Item will continue in Closed Session and return to Council at a future date

**MOTION:** Motion by Council Member **Steve Glickman** to approve Consent Items #1-5, and Items #7-11. **Seconded by Vice Mayor Joe Pirzynski.**

**VOTE:** Motion passed unanimously.

## VERBAL COMMUNICATIONS

### Mr. Davis

- Commented on the time frame for construction of sidewalks along Blossom Hill Road.
- Commented regarding the 13 acres at Vasona Park which the Town currently owns.

## PUBLIC HEARINGS

13. Consider an appeal of a Planning Commission decision regarding modifications or revocation of Conditional Use Permit U-94-44 (Goguen's Last Call) for the operation of a bar on property zoned C-2. APN 529-07-046. Property location: 408 N. Santa Cruz Avenue. Property owner: Los Gatos Shopping Center, LLC. Appellant: Cynthia Goguen

Staff report made by **Bud Lortz**, Director of community Development. **Mayor Diane McNutt** opened the public hearing.

**Mayor Diane McNutt** commented on request to continue the public hearing until September 5, 2006.

**Mr. Korb** stated that the request to continue was made by the appellant.

### Mr. Davis

- Commented on supporting the Planning Commission's decision.
- Commented on the land use issues relating to drinking establishments.

**Mayor Diane McNutt** closed the public hearing.

**MOTION:** Motion by **Council Member Barbara Spector** to continue the public hearing regarding 408 N. Santa Cruz Avenue. Property owner: Los Gatos Shopping Center, LLC. Appellant: Cynthia Goguen until the September 5, 2006 Town Council Meeting. **Seconded by Council Member Steve Glickman.**

**VOTE:** Motion passed unanimously.

## OTHER BUSINESS

None this evening.

## **CONSENT ITEMS (Continued)**

6. **Adopt resolution upholding Planning Commission decision denying a formula retail store (American Apparel) on property zoned C-2. Conditional Use Permit U-06-006. APN 510-44-034. Property Location: 25 N. Santa Cruz Avenue. Property Owner: Santa Cruz Real, LLC. Applicant/Appellant: Tacee Webb (continued from 2/6, 2/21, and 3/6/06)**

Staff report made by **Orry Korb**, Town Attorney. **Mr. Korb** stated Item # 6 has no action to be taken tonight. Item #6 will be continued in closed session and will return to Council at a future date.

### **Mr. Davis**

- Commented regarding "Due Process" related to the American Apparel resolution.
- Questioned when public information would be available regarding American Apparel.

## **TOWN COUNCIL/REDEVELOPMENT AGENCY**

12. **Approve Council/Agency minutes of August 7, 2006**

### **Mr. Davis**

- Commented regarding the change in the format of the minutes.

**Mr. Korb** stated that the matter regarding American Apparel will continue in Closed Session until further notice.

**MOTION:** Motion by **Council Member Steve Glickman** to approve Council/Agency minutes of August 7, 2006. **Seconded by Council Member Mike Wasserman.**

**VOTE:** Motion passed unanimously.

## **COUNCIL/TOWN MANAGER REPORTS**

14. **Council Matters** None this evening

15. **Manager Matters** None this evening

## **ADJOURNMENT**